

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY JE D.G.  
05 MAY 31 PM 1:55  
ROBERT L. TROTT  
CLERK, U.S. DIST. CT.  
W. DIST. TENN. MEMPHIS

PHEBIE HARRINGTON,

Plaintiff,

vs.

MERCK & CO., INC.; SARAH C.  
CAPOCACCIA; STEPHANIE B. ISON;  
PATRICIA BLASINGAME; JENNIFER  
PACE; CRAIG BRELAND and EDWYNA  
R. BONNER,

Defendants

Case No.: 2:05-cv-02354-JDB-tmp

MOTION GRANTED

T. H. Han  
U.S. MAGISTRATE JUDGE

5/31/05  
DATE

UNOPPOSED MOTION TO MODIFY STAY

The Plaintiff, Phebie Harrington, files this Motion to Modify Stay and would respectfully show the following:

On April 18, 2005, Plaintiff filed her Complaint for Personal Injuries against Merck & Co., Inc. (Merck) and other parties in the Circuit Court for Shelby County in Memphis, Tennessee. On May 11, 2005, Defendant Merck filed a Notice of Removal removing this litigation to this court. Also on May 11, 2005, Defendant Merck filed a Motion to Stay All Proceedings Pending Transfer Decision by the Judicial Panel on Multidistrict Litigation.

Plaintiff's Motion to Remand responsive to Defendant's removal is due by June 10, 2005. Nonetheless, on May 13, 2005 and on May 17, 2005, this court issued orders granting Merck's Motion to Stay pending the transfer decision from the Judicial Panel on Multidistrict Litigation.

UNOPPOSED MOTION TO MODIFY STAY

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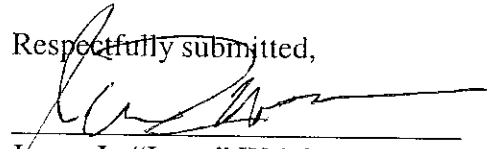
Plaintiff therefore files this motion requesting that the stay be modified solely for the purpose of allowing her to file her Motion to Remand.

Plaintiff has conferred with Defendant Merck, who has consented and has agreed not to oppose this motion.

Plaintiff understands that as a result of previous orders, her Motion for Remand will be considered by the Multidistrict Litigation Court for No. 1657, Vioxx Litigation.

Plaintiff therefore requests this court to modify its Order Granting Stay and its Order Granting Motion by Defendant Merck & Co., Inc. To Stay All Proceedings for the sole purpose of allowing Plaintiff to file her Motion to Remand.

Respectfully submitted,



James L. "Larry" Wright, BPR #024215

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**ATTORNEYS FOR PLAINTIFFS**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is attorney of record for Plaintiff and has served a true and correct copy of the foregoing pleading by United States Mail, postage paid, to counsel of record listed below.

This the 24 day of May, 2005.

JACKS LAW FIRM



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and Defendant Sales Representatives



## Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 2:05-CV-02354 was distributed by fax, mail, or direct printing on May 31, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT